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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,108	03/21/2006	Steven L. Geerlings	026032-4906	2695
22428 7590 03/19/2010 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER				
BROWN, VERNAL U				
ART UNIT		PAPER NUMBER		
2612				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/531,108

Applicant(s)

GEERLINGS ET AL.

Examiner

VERNAL U. BROWN

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 4-7 is/are allowed.
- 6) ☒ Claim(s) 8-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to communication filed on December 31, 2009.

Response to Amendment

The examiner acknowledges the amendment of claims 1, 4-6 and the cancellation of claims 2-3.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-19, 21, 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Dykema et al. US Patent 6091343.

Regarding claims 15-18, 21, 23-26, Dykema et al. teaches receiving input (pressing of push button switches) from a user and identifying the remote device to be actuated from the plurality of different remote devices based on the received inputs (col. 5 lines 1-5). Dykema et al. teaches associating the identified remote device with a user input device of the trainable transmitter for subsequent transmission of a variable code signal having variable code characteristics of the identified remote device to actuate the identified remote device (col. 5 lines 39-57).

Regarding claim 19, Dykema et al. teaches the trainable transmitter is coupled to a display and the display present a menu of data related to the plurality of different devices (col. 5 lines 43-45).

Regarding claim 22, Dykema et al. teaches associating the identified remote device with a user input device of the trainable transmitter for subsequent transmission of a variable code signal having code characteristic of the remote device to actuate the identified remote device (col. 16 lines 7-32).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teskey US Patent 6747568 in view of Dykema et al. US Patent 6091343.

Regarding claims 8-14, Teskey teaches a method comprising initiating a training sequence and generating a coded signal to the receiver of a remote device and repeating the generating and transmitting steps for the code of the various remote device until feedback is received and upon receiving an indication that the remote device is activated, storing an identifier of the code characteristic that activated the remote device (col. 4 lines 57-col. 5 line 27). Teskey is silent on teaching the remote control codes a variable codes. Dykema et al. in an analogous art teaches a universal art storing variable code for various remote device and the code for a particular device is selected for transmission to the remote device (col. 16 lines 7-32). Dykema et al. also teaches the variable code is identified based on the manufacturer (col. 11 lines 37-50), carrier frequency (col. 2 lines 20-32) and cryptographic algorithm (col. 16 lines 15-21)

and the examiner take official notice that the make and model are conventionally used for identifying a particular remote control code.

It would have been obvious to one of ordinary skill in the art to modify the system of Teskey as disclosed by Dykema et al. because variable code provides a higher degree of security and therefore increases the security of the remote control system.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dykema et al. US Patent 6091343 in view of Hayes et al. US Patent 5614906.

Regarding claim 20, Dykema et al. also teaches the variable code is identified based on the manufacturer (col. 11 lines 37-50), carrier frequency (col. 2 lines 20-32) and cryptographic algorithm (col. 16 lines 15-21). Dykema et al. is silent on teaching the variable code characteristic include make and model. Hayes in an analogous art teaches the remote control code characteristic is based on the make and model (col. 1 lines 53-60).

It would have been obvious to one of ordinary skill in the art to modify the system of Dykema et al. as disclosed by Hayes et al. the remote control code conventionally includes make and model of the remote device to be controlled.

Claims 22 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dykema et al. US Patent 6091343 in view of Teskey US Patent 6747568.

Regarding claims 22 and 27, Dykema et al. teaches associating the identified remote device with a user input device of the trainable transmitter for subsequent transmission of a variable code signal having code characteristic of the remote device to actuate the identified

remote device (col. 16 lines 7-32). Dykema et al. is silent on teaching associating the remote device based on receiving a feedback from a user that identify the remote device is activated. Teskey in an analogous art teaches a method comprising initiating a training sequence and generating a coded signal to the receiver of a remote device and repeating the generating and transmitting steps for the code of the various remote device until feedback is received and upon receiving an indication that the remote device is activated , storing an identifier of the code characteristic that activated the remote device (col. 4 lines 57-col. 5 line 27).

It would have been obvious to one of ordinary skill in the art to modify the system of Dykema et al as disclosed by Teskey because associating the remote device based on receiving a feedback from a user that identify the remote device is activated represents a conventional practice.

Allowable Subject Matter

Claims 1, 4-7 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 1, 4-6, the prior art of record fail to teach or suggests interleaving the plurality of variable code messages to create interleave data transmitting the interleave data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VERNAL U. BROWN whose telephone number is (571)272-3060. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vernal U Brown/
Primary Examiner, Art Unit 2612